

January 2, 2024

VIA ECF

The Honorable Alvin K. Hellerstein
United States Federal Judge
Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, NY 10007

The conf is canceled pending
determination of def's motions
to dismiss. 1-2-2024
Alvin K. Hellerstein

Re: *Millunchick et al. v. Sunlight Financial Holdings Inc., et al.*, Case No. 1:22-cv-10658-AKH

Dear Judge Hellerstein:

Counsel for all parties to this matter respectfully submit this joint letter requesting that the upcoming status conference currently scheduled for January 9, 2024 be adjourned.

On October 20, 2023, Plaintiffs filed their Second Amended Complaint in this action in accordance with the September 8, 2023 Joint Stipulation and Scheduling Order (ECF No. 69). On December 20, 2023, all Defendants moved to dismiss the Second Amended Complaint (ECF Nos. 78-84). Your Honor previously scheduled the January 9, 2024 status conference in connection with the chapter 11 bankruptcy proceeding filed by defendant Sunlight Financial Holdings Inc. f/k/a Spartan Acquisition Corp. II ("Sunlight") (ECF Nos. 75, 77).

Since Your Honor's order setting the January 9, 2024 conference, Sunlight has emerged from bankruptcy, with the bankruptcy court approving Sunlight's plan of reorganization on December 5, 2023 and the plan becoming effective on December 6, 2023. *See In re Sunlight Financial Holdings Inc., et al.*, Case No. 23-11794 (MFW) (Bankr. D. Del.). In approving Sunlight's reorganization, the Bankruptcy Court ordered that Sunlight remain a part of this action and that Plaintiffs may continue to pursue their claims against Sunlight "solely as a nominal defendant and solely for the purposes of (x) recovering available insurance proceeds (if and solely where the applicable policy covers such Claims) over and above any applicable self-insulated retention amount, and (y) of seeking discovery." Order at 19-20, *In re Sunlight*, Case No. 23-11794 (MFW) (ECF No. 201).

This action is governed by the Private Securities Litigation Reform Act of 1995 ("PSLRA"), which stays "all discovery and other proceedings" during the pendency of any motion to dismiss. 15 U.S.C. 78u-4(b)(3)(B). Given that (a) Sunlight has emerged from bankruptcy, (b) is to remain a nominal defendant to this action, and (c) Defendants' motions to dismiss are pending, the parties respectfully seek an adjournment of the January 9, 2024 status conference. Your Honor previously adjourned the status conference scheduled for October 31, 2023 in this matter in anticipation of the motions to dismiss the Second Amended Complaint that were filed on December 20, 2023 (ECF No. 72).

In light of the above, and to conserve court and party resources, the parties respectfully submit that the January 9, 2024 status conference be adjourned until after a ruling on Defendants' pending motions to dismiss.

Respectfully submitted,

/s/ Yu Shi

/s/ Jeffrey J. Chapman

/s/ Jeffrey Crough

cc: All counsel of record (via ECF)